

REMARKS

Claim Rejections 35 U.S.C. 112

Examiner has rejected claims 1-19 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicant thanks Examiner for bringing this to his attention. Applicant has added the term “compressed” to independent claims 1, 13, 15 and 17. Applicant believes this clarifies the invention’s subject matter and that the claims are now patentable. Specifically, the subject matter is a solid fuel composition made by compressing a mixture of combustible particulates with a chemical agent into a desired shape without the use of binders. The fuel maintains its shape because of the intense pressure used to compress the fuel during the manufacturing process. Thus, the fuel requires no binders such as paraffin wax to maintain its shape.

Examiner also has rejected claim 1 because it is not clear how the solid fuel composition is processed. Applicant feels claim 1 with the addition of the term “compressed” is patentable. Applicant believes that by having both the terms “compressed” and “processed” in claim 1, a person of ordinary skill in the art would understand how the fuel is processed. Specifically, in order for the fuel to be “compressed,” a person of ordinary skill would understand the process of claim 1 as creating a mixture of solid particulate material and a chemical agent and further manipulating it into a form that can be compressed into a solid aggregate form.

Claim Rejections 35 U.S.C. § 102

Examiner has rejected claim 1, 2, 4, 5, 7, 10-12, 14-19 under § 102 (a) as being anticipated by WO 2002046337 with US 20040088912 as the English translation. Applicants believe that the claims above are patentable. This is because the '912 application teaches away from the Applicant's disclosure. The '912 application discloses the use of a binder in the agent. This binder is used to allow the agent to keep the shape of a log. An example of a binder that is disclosed in paragraph 3 of the '912 application is paraffin wax.

This use of a binder teaches away from the applicant's disclosure because the applicant's disclosure does not need and therefore does not include a binder. The applicant's disclosure uses processing of the log by applying high pressure to form the fuel into an elongated shape. This pressure is between 10,000 and 20,000 p.s.i. This very intense pressure is what allows the materials disclosed in the Applicant's disclosure to keep a log shape.

Moreover, Applicant believes that Applicant's disclosure solves a problem that prior art processed logs that use binders have not solved. Specifically, processed logs that use wax as a binder yield a very high combustion rate. This combined with the limited air supply available in most homes produces an incomplete combustion which in turn leads to buildup of soot and creosote in the flue. Additionally, the flames from these binders produce an aesthetically less pleasing product compared to flames fueled without binders.

Claim Rejections 35 U.S.C. § 103

Examiner has rejected claim 3 under § 103 (a) as being unpatentable over the US 20040088912 application. Applicants believe that claim 3 is patentable. Applicant thanks examiner for pointing out that the '912 application discloses a fire log. Applicant's disclosure also discloses a log. However, the '912 application's log teaches away from the Applicant's log. This is because Applicant's log maintains a log shape in a different way than the '912 application's log.

Applicant's log maintains its log shape because of the intense pressure that the log is subjected to in the manufacturing process. Thus, there is no need for Applicant's log to use a binder such as paraffin wax. In contrast, the '912 log requires a binder to keep a log shape. Therefore, even though both Applicant's disclosure and the '912 application, both disclose a log, the log shape is maintained in different ways and results in a log with different properties. Thus, the two logs would perform differently because Applicant's log would combust in a different manner due to the lack of a binder.

Examiner has rejected claim 6, 8 and 9 under § 103 (a) as being unpatentable over the US 20040088912 in view of Mackowiak (US 4,481,010). Applicant thanks examiner for bringing the '010 reference to its attention. Applicant acknowledges that the '010 reference discloses the use of trisodium phosphate, sodium chloride and copper chloride. Applicant has withdrawn claims 6 and 8, but incorporated the subject matter into claim 1. Applicant believes claim 1 and claim 9

Application. No. 10/790,499
Amendment dated July 2, 2007
Reply to Office Action of January 3, 2007

are now patentable.

Applicant believes that claims 1 and 9 are now patentable because the '912 application taken in view of the '010 references teaches away from the Applicant's invention. This is because applicant's disclosure focuses on a substance for destroying soot and creosote shaped in the form of a log by intense pressure. Neither the '912 application or the '010 reference teach the use of intense pressure. Instead, the '912 application teaches the use of a binder while the '010 reference is a powder.

It is believed that the claims, as set forth above, comply fully with the Examiner's comments and favorable action in the form of a Notice of Allowance is respectfully urged. Should the Examiner find that any matters remain for resolution, he is respectfully requested to contact the undersigned by telephone at (206) 441-3440.

Respectfully submitted,

Garrison & Associates PS



David L. Garrison
Reg. No. 424,298
Customer No. 20,482
2001 Sixth Avenue, Suite 3300
Seattle, WA 98121-2522
Tel. (206) 441-3440, Fax. (206) 441-7362

Application No. 10/790,499
Amendment dated July 2, 2007
Reply to Office Action of January 3, 2007

101 AMENDMENT.wpd